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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,461	03/11/2004	Thane Aaron Arheart	34432	6108

7590 02/10/2006
Hovey Williams LLP
Suite 400
2405 Grand Blvd.
Kansas City, MO 64108

EXAMINER

KENNEDY, JOSHUA T

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,461

Applicant(s)

ARHEART, THANE AARON

Examiner

Joshua T. Kennedy

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-25 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6 and 8 is/are rejected.
- 7) ☒ Claim(s) 3, 7, and 9-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-14 have been examined.

Claims 15-25 have been allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Saunders (US Patent 5,468,092).

As to Claim 1. Saunders discloses a joint operable to accommodate movement of a first surface with respect to a second surface comprising:

- a first bracket (Fig 2; 42, left side) presenting a first mating member (38);
- a second bracket (Fig 2; 42, right side) presenting a second mating member (40);
- and
- a central bracket (18,22) operable to be installed between the first and second brackets, the central bracket including -
 - a third mating member (18) operable to mate with the first member, slide with respect to the first member, and rotate with respect to the first member (Examiner considers the third member to be operable to perform these functions when the mating connection is loose), and

a fourth mating member (22) operable to mate with the second member, slide with respect to the second member, and rotate with respect to the second member (Examiner considers the third member to be operable to perform these functions when the mating connection is loose), the longitudinal axis of an elongated portion of the fourth member being generally perpendicular to the longitudinal axis of an elongated portion of the third member (Fig 4).

As to Claims 2 and 6. Saunders discloses the first and second members presenting a cylindrical socket with a longitudinal slit (42; Examiner considers the U shape to comprise a cylindrical portion at the base of the U and the slit at the top).

As to Claim 4. Saunders discloses fourth member presenting a cylindrical socket with a longitudinal slit (44; Examiner considers the U shape to comprise a cylindrical portion at the base of the U and the slit at the outside).

As to Claim 5. Saunders discloses the second member presenting a cylindrical plug (43) operable to fit within the socket.

As to Claim 8. Saunders discloses the third member and fourth member being rigidly attached (Fig 4).

Allowable Subject Matter

Claims 15- 25 are allowed (see Office Action (Final Rejection) dated 10/19/2005 for reasons of allowance).

Claims 3, 7, and 9-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As to Claims 3, 7, and 9-14. The primary reason for the allowance of the claims is the inclusion of the limitation of the third and fourth members "presenting a cylindrical plug operable to fit within the socket" (Claims 3 and 7, Lines 1-2; and Claims 9 and 12, Lines 2-4) which is not found in the prior art references. The prior art of record, Saunders, discloses a joint having a first, second, and central bracket being secured to each other, but does not show the third and fourth members presenting a cylindrical plug operable to fit within the socket.

No teaching or suggestion, absent the applicant's own disclosure to modify the joint cover as disclosed by Saunders to have the aforementioned elemental features.

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is (571) 272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JTK
1/30/2006

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600